

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Method and Apparatus for Estimating Physiological Parameters Using Model-based Adaptive Filtering**, the specification of which      is attached hereto or   X   was filed on June 7, 1996 as Application No.      and was amended on      (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <u>    </u> No <u>    </u>
			Yes <u>    </u> No <u>    </u>

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/000,195	June 14, 1995

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
		<u>    </u> Patented <u>    </u> Pending <u>    </u> Abandoned
		<u>    </u> Patented <u>    </u> Pending <u>    </u> Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Paul C. Haughey, Reg. No. 31,836

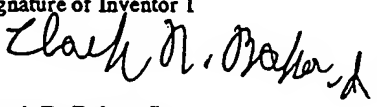
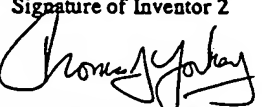
Joseph M. Villeneuve, Reg. No. 37,460

Send Correspondence to: Joseph M. Villeneuve TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834	Direct Telephone Calls to: (Name, Reg. No., Telephone No.)  Name: Joseph M. Villeneuve Reg. No. 37,460 Telephone: 415/326-2400
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DECLARATION AND POWER OF ATTORNEY - Continued

Full Name of Inventor 1	Last Name BAKER, JR.	First Name CLARK	Middle Name or Initial R.	
Residence & Citizenship	City Castro Valley	State/Foreign Country California	Country of Citizenship U.S.A.	
Post Office Address	Post Office Address 18493 Magee Way	City Castro Valley	State/Country California	Zip Code 94546
Full Name of Inventor 2	Last Name YORKEY	First Name THOMAS	Middle Name or Initial J.	
Residence & Citizenship	City San Ramon	State/Foreign Country California	Country of Citizenship U.S.A.	
Post Office Address	Post Office Address 3072 Bernard Avenue	City San Ramon	State/Country California	Zip Code 94583
Full Name of Inventor 3	Last Name	First Name	Middle Name or Initial	
Residence & Citizenship	City	State/Foreign Country	Country of Citizenship	
Post Office Address	Post Office Address	City	State/Country	Zip Code

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  Clark R. Baker, Jr.	Signature of Inventor 2  Thomas J. Yorkey	Signature of Inventor 3
Date 5/15/96	Date 5/15/96	Date

11-05-1996

FORM PTO-1535  
(Rev. 8-1-95)U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To: Honorable A. J. Commissioner to

1. Name of conveying party(ies):

C. R. Baker

100300614

Original documents or copy thereof.

Address of receiving party(ies):

Name: Nellcor Puritan Bennett Incorporated

Internal Address:

Street Address: 4280 Hacienda Drive

City: Pleasanton State: California ZIP: 94588

MRD 9-6-96

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other:

Execution Date: July 15, 1996

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 08/660,510

B. Patent No.(s)

00000 U.S. PTO

Additional numbers attached? ☐ Yes ☒ No

10/23/96

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Joseph M. Villeneuve  
 TOWNSEND and TOWNSEND and CREW LLP  
 Two Embarcadero Center, 8th Floor  
 San Francisco, California 94111-3834  
 (415) 326-2400

6. Total number of applications and patents involved: 

7. Total fee (37 CFR 3.41):..... \$ 40.00

- ☐ Enclosed ☒ Charge Fees to Deposit Account  
☒ Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account

8. Deposit account number: 20-1430

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Joseph M. Villeneuve  
 Name of Person Signing

Signature

September 3, 1996  
 Date

Atty. Reg. No. 37,460

Total number of pages including cover sheet, attachments, and document: 10. Change Correspondence Address to that of Part 5? ☒ Yes ☐ No

OMB No. 0651-0011 (exp. 4/94)

Mail documents to be recorded with required cover sheet information to:

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Asst. Commissioner for Patents  
 Box Assignments  
 Washington, D.C. 20231

1. Additional name(s) of conveying party(ies):  
(Continued from Page 1)

Thomas J. Yorkey

2. Additional name(s) and address(es) of receiving party(ies):  
(Continued from Page 1)

4. Additional application number(s) or patent number(s):  
(Continued from Page 1)

A. Patent Application No.(s)

B. Patent No.(s)

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, CLARK R. BAKER, JR., of 18493 Magee Way, Castro Valley, California 94546; and THOMAS J. YORKEY of 3072 Bernard Avenue, San Ramon, California 94583, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: Method and Apparatus for Estimating  
Physiological Parameters Using Model-based  
Adaptive Filtering

Date(s) of execution of Declaration: July 15, 1996

Filing date: June 7, 1996 Serial No.: ; and

WHEREAS, NELLCOR PURITAN BENNETT INCORPORATED, a Delaware corporation, located at 4280 Hacienda Drive, Pleasanton, California 94588; hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request

to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Date: 7-15-96

Clark R. Baker, Jr.  
Clark R. Baker, Jr.

Date: 7-15-96

Thomas J. Yorkey  
Thomas J. Yorkey

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

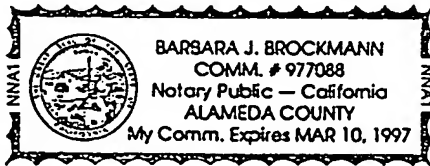
State of California

County of Alameda

On July 15, 1996 before me, Barbara J. Brockmann/Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Clark E. Rater, Jr. and Thomas J. Yickel  
Name(s) of Signer(s)

☒ personally known to me – OR – ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Barbara J. Brockmann  
Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- ☐ Individual
- ☐ Corporate Officer  
Title(s): \_\_\_\_\_
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

Signer's Name: \_\_\_\_\_

- ☐ Individual
- ☐ Corporate Officer  
Title(s): \_\_\_\_\_
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

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